

FILED ELECTRONICALLY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SELIM ZHERKA,

Plaintiff,

- against -

MICHAEL F. BOGDANOS, individually; MICHAEL R. EDELMAN,
a/k/a "THE CONSULTANT", individually; PHILIP AMICONE,
individually and in his capacity as the Mayor of the City of Yonkers,
New York; DAVID "DOE" a/k/a "ETHAN EDWARDS", individually;
EDMOND ROE a/k/a "MOB BUSTER", individually; JOHN POE,
individually, WILLIAM ROE, individually; and JANET DOE,
individually,

Defendants.

NOTICE OF MOTION

08 Cv. 2062 (CLB)(GAY)

ECF CASE

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and on the prior pleadings, proceedings and papers herein, the undersigned will move this Court at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on June 13, 2008, at 10:00 a.m., or as soon thereafter as counsel may be heard, for an order: (1) dismissing plaintiff's claim for injunctive relief against defendant Matthew F. Bogdanos (incorrectly identified in the complaint as "Michael F. Bogdanos") under Younger abstention principles; and (2) dismissing plaintiff's claims for money damages against defendant Bogdanos pursuant to Fed. R. Civ. P. 12(b)(6) or, alternatively, staying these claims until the conclusion of the underlying state criminal proceedings.

Dated: New York, New York
May 12, 2008

Respectfully submitted,

ROBERT M. MORGENTHAU
District Attorney, New York County
as Special Assistant Corporation Counsel
One Hogan Place
New York, New York 10013

By: /s/ Michael S. Morgan
Michael S. Morgan (MM-9360)
Assistant District Attorney
Of Counsel

TO: Jonathan Lovett
Attorney for Plaintiff
Lovett & Gould
222 Bloomingdale Road - Suite 305
White Plains, NY 10605

Mitchell John Baker
Attorney for Defendant Edelman
Baker, Leshko, Saline & Blosser, LLP
One North Lexington Avenue
White Plains, NY 10601-1712

William D. Gallagher
Attorney for Defendant Edelman
McMahon, Martine & Gallagher
55 Washington Street, 7th Floor
Brooklyn, NY 11201

Brian Todd Belowich
Attorney for Defendant Amicone
DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
One North Lexington Avenue
The Gateway Building,
White Plains, NY 10601

Matthew Sean Clifford
Attorney for Defendant Amicone
DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
One North Lexington Avenue
The Gateway Building,
White Plains, NY 10601

(all by ECF)

FILED ELECTRONICALLY

United States District Court
Southern District of New York

08 cv 2062 (CLB)(GAY)

SELIM ZHERKA,

Plaintiff,

- against -

MICHAEL F. BOGDANOS, individually; MICHAEL R. EDELMAN, a/k/a "THE CONSULTANT", individually; PHILIP AMICONE, individually and in his capacity as the Mayor of the City of Yonkers, New York; DAVID "DOE" a/k/a "ETHAN EDWARDS", individually; EDMOND ROE a/k/a "MOB BUSTER", individually; JOHN POE, individually, WILLIAM ROE, individually; and JANET DOE, individually,

Defendants.

NOTICE OF MOTION

ROBERT M. MORGENTHAU
District Attorney, New York County
as Special Assistant Corporation Counsel
One Hogan Place
New York, New York 10013
(212) 335-9000

By: Michael S. Morgan (MM-9360)
Assistant District Attorney
Of Counsel
